



Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

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Wes Ward
Secretary of Agriculture

October 25, 2024

Honorable Judge Gregory K. Frizzell
333 West Fourth Street, Room 411
Tulsa, OK 74103

Honorable Judge Frizzell,

On behalf of Arkansas's agriculture industry, I would like to echo the concerns raised by Oklahoma Secretary of Agriculture Blayne Arthur in her letter to the court on September 5, 2024. Specifically, Arkansas shares the concern that an entry of judgment based on an outdated and limited record before the court would disregard and supplant the current regulatory and statutory systems in place in Arkansas and Oklahoma and significantly disrupt efforts that are working as intended.

As you noted in your status conference on September 13, 2024, the principles of democracy play a key role in appropriate resolution of this matter. As a result, the court should give due respect and consideration to the laws passed by the states and should not supplant the will of the people in Arkansas and Oklahoma as expressed through their duly elected legislative and executive branches of government.

For example, the General Assembly in Arkansas has enacted several legislative acts for land use over the past 25 years that balances agricultural and environmental considerations. These laws require site specific nutrient management plans written by technical experts that provide detailed instructions on locations, amounts, and timing of poultry litter applications.

Further, it is also important to note the importance of private property rights and highlight to the Court that riparian areas along the Illinois River Watershed are not owned by the poultry companies but private individuals, local municipalities, and other businesses that are not part of this case and whose interests are not properly represented. As a result, we request that the Court limit any judgment or judicial remedies to the actual parties and not extend any remedies to private landowners in Arkansas whose interests have not been represented in these proceedings.

In conclusion, we respectfully request that the Court take notice of the work that both Arkansas and Oklahoma have completed and continue to undertake since the trial ended in 2010. The states are committed to continuing to work individually and collaboratively and request that the court avoid entering any judgment or judicial remedies that would impact current efforts through our respective statutory and regulatory systems.

Respectfully,

Wesley W. Ward
Secretary of Agriculture
State of Arkansas

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Case No. 05-cv-000329-GKF-SH

OCT 28 2024

**Heldi D. Campbell, Clerk
U.S. DISTRICT COURT**



Arkansas Department of Agriculture
1 Natural Resources Drive
Little Rock, AR 72205

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